

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR,  
Plaintiff,

vs.

ZELMAR HYDEN, ET AL.,  
Defendants.

Case No. 3:02-cv-00214-JKS

ORDER

Charles Davis sued Zelmer Hyden and others for violating his civil rights. 42 U.S.C. § 1983. This Court has jurisdiction. 28 U.S.C. § 1343. The Court entered summary judgment in favor of the defendants, and the Clerk entered judgment. Docket Nos. 103; 104. Defendants now move for an award of attorney fees, which is opposed and ripe. Docket Nos. 108 (motion); 111 (opp'n); 113 (reply). The parties agree that before the Court may award a defendant in a civil rights case attorney fees, the Court must first find the action frivolous or brought in bad faith. 42 U.S.C. § 1988. The Court cannot make that determination in this case. The motion at **Docket No. 108** is therefore **DENIED**.

**IT IS SO ORDERED.**

Dated at Anchorage, Alaska, this 19th day of December 2006.

/s/ James K. Singleton, Jr.

**JAMES K. SINGLETON, JR.**  
United States District Judge